

permitted to simply assume that unlimited services will be made available for free and to withhold payment for services that LECs are providing. They should avail themselves of the lawful mechanisms for resolving these payment disputes, such as provisos for reformation of interconnection agreements, refunds upon order by states, and escrow of disputed funds pending such orders. Even if the Commission does not reverse the Letter, it should make clear to paging providers that negotiated and arbitrated interconnection agreements are the means for implementing the Bureau's new rule.

CONCLUSION

For these reasons, U S WEST submits that the Letter is unlawful, and requests that the full Commission review and reverse the conclusions set forth therein. If the Commission does not reverse the Letter, U S WEST asks the Commission to take steps to avoid a confiscatory effect of implementation of the Act. Whether the Commission reverses or upholds the Letter, U S WEST also requests the Commission to order paging providers to comply with the obligation to negotiate in good faith pursuant to sections 251 and 252 of the Act.

Respectfully submitted,

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January 29, 1998

Certificate of Service

I, Sean Lenihan, do hereby certify that a copy of the foregoing Application for Review of US WEST, Inc. has been served on all parties of record, via first class mail, postage prepaid, on this 29th day of January, 1998.

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